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OFFICE OF PETITIONS

In re Application of	:	
Kazumasa Yashiro, et al.	:	
Application No. 10/083,323	:	ON PETITION
Filed: February 26, 2002	:	
Attorney Docket No. 791_187	:	

This is a decision on the petition filed October 31, 2005, under 37 CFR 1.137(b) to revive the above-identified application for copendency with a continuing application.

The petition is **GRANTED**.

This application became abandoned for a failure to respond to a final Office action mailed December 28, 2004. A Notice of Abandonment was mailed August 1, 2005.

Petitioner seeks revival solely for obtaining copendency with continuing application No. 11/139,236 filed May 27, 2006, in that the necessary continuity inadvertently was not maintained at that time.

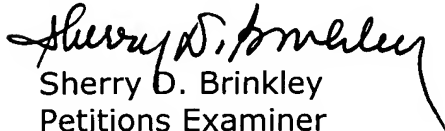
Since this application is being revived for purposes of continuity with application No. 11/139,236, and continuity having been established by this decision reviving the above-captioned application, the above-captioned application is again abandoned in favor of the continuing application.

The offer to make the belated payment of the 2-month extension of time fee under 37 CFR 1.136(a) is unnecessary. Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for

revival. In view thereof, the \$450 extension of time fee submitted with the petition is being refunded to petitioner's deposit account as authorized.

This abandoned application is being forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions